

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

Index No.: \_\_\_\_\_/2014

Date Purchased: \_\_\_\_/\_\_\_\_/2014

-----X  
ALEXANDRO S. RITONDO,

*Plaintiff,*

-against-

**VERIFIED COMPLAINT**

THE CITY OF NEW YORK, NEW YORK CITY POLICE  
DEPARTMENT and POLICE OFFICER BRIAN HICKEY,  
Tax ID No.: 950586, individual and in his official capacity as  
a New York City Police Officer,

*Defendants.*

-----X  
Plaintiff ALEXANDRO S. RITONDO by his attorneys NOVO LAW FIRM, PC complaining  
of Defendants THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT and  
POLICE OFFICER BRIAN HICKEY respectfully alleges, upon information and belief:

**PARTIES**

1. Plaintiff ALEXANDRO S. RITONDO was, and still is, an individual residing at 378 Tompkins Ave, #1, in the City of Brooklyn, County of Kings and State of New York.
2. Defendant THE CITY OF NEW YORK was, and still is, at all times relevant herein, a municipal corporation duly incorporated and existing under and by virtue of the laws of the State of New York.
3. Defendant NEW YORK CITY POLICE DEPARTMENT was, and still is, at all times relevant herein, a municipal corporation established and maintained by Defendant THE CITY OF NEW YORK.

4. Defendant **THE CITY OF NEW YORK** was, and still is, at all times relevant herein, a municipal entity created and authorized under the laws of the State of New York. It is authorized to maintain a police department, which acts as its agent in the area of law enforcement and for which it is ultimately responsible. Defendant **THE CITY OF NEW YORK** assumes the risks incidental to the maintenance of a police force and the employment of police officers as said risk attaches to the public consumers of the services provided by Defendant **NEW YORK CITY POLICE DEPARTMENT**.
5. Defendant **POLICE OFFICE BRIAN HICKEY** was, and still is, at all times relevant herein, duly appointed and acting officer, servant, employee and agent of Defendant **NEW YORK CITY POLICE DEPARTMENT** a municipal agency of Defendant **THE CITY OF NEW YORK**.
6. Defendant **POLICE OFFICE BRIAN HICKEY** was, and still is, at all times relevant herein, acting under color of state law in the course and scope of his duties and functions as an officer, agent, servant, and employee of Defendant **THE CITY OF NEW YORK** was acting for, and on behalf of, and with the power and authority vested in him by Defendants **THE CITY OF NEW YORK** and **NEW YORK CITY POLICE DEPARTMENT** and was otherwise performing and engaging in conduct incidental to the performance of his lawful functions in the course of her duties.
7. Defendant **POLICE OFFICER BRIAN HICKEY** was, and still is, at all times relevant herein, a male New York City Police Officer, bearing Tax ID No.: 950586, assigned to the 7<sup>th</sup> precinct located at 19 ½ Pitt Street, New York, New York 10038.
8. On April 23, 2013, and within the time prescribed by law, a sworn Notice of Claim stating, among other things, the time when and the place where the injuries and damages were sustained, together with Plaintiff's demands for adjustment thereof was duly served on

Plaintiff's behalf on the Comptroller of Defendant **THE CITY OF NEW YORK** and that, thereafter, said Comptroller for Defendant **THE CITY OF NEW YORK** refused or neglected for more than thirty (30) days, and up to the commencement of this action, to make any adjustment or payment thereof, and that, thereafter, and within the time provided by law, this action was commenced.

9. Two written requests, as well as many phone calls have been made to Defendant **THE CITY OF NEW YORK** to schedule a hearing pursuant to General Municipal Law §50(h) and to date, the hearing has not been held. Thus, Plaintiff **ALEXANDRO S. RITONDO** is in compliance with General Municipal Law §50(e) as he is ready, willing and able to testify upon receipt of a scheduled date.

#### **FACTS**

10. Plaintiff **ALEXANDRO S. RITONDO** repeats and reiterates the allegations set forth in the foregoing paragraphs with the same force and effect as though fully stated herein.
11. On February 24, 2013, at approximately 2:35 A.M., Plaintiff **ALEXANDRO S. RITONDO** was a lawful pedestrian standing on the sidewalk at or around or near the corner of Broome Street and Essex Street, in the County of New York, City of New York and State of New York.
12. Plaintiff **ALEXANDRO S. RITONDO** was approached by Defendant **POLICE OFFICER BRIAN HICKEY** a uniformed New York City Police Officer who, without reasonable suspicion, without probable cause and without any threat or reasonable belief of unlawful activity, proceeded to unlawfully arrest and handcuff him without any indication as to what he had done wrong and/or what, if any, crime(s) he had committed.

13. Plaintiff **ALEXANDRO S. RITONDO** was then subject to unlawful pat downs and searches by Defendant **POLICE OFFICER BRIAN HICKEY** without any probable cause or reasonable suspicion to do so.
14. Plaintiff **ALEXANDRO S. RITONDO** was then placed into a patrol vehicle awaiting for transport to the 7<sup>th</sup> precinct.
15. Upon information and belief, while in the patrol vehicle, Plaintiff made several complaints of the handcuffs being too tight, he pleaded and requested for the officers to loosen the handcuffs, the officers refused to loosen them, as a result, his wrists were bruised, swollen and he was in pain for several weeks thereafter.
16. Humiliated and distraught, Plaintiff **ALEXANDRO S. RITONDO** was transported to the 7<sup>th</sup> precinct located at 19 1/2 Pitt Street, in the County of New York, City of New York and State of New York, where he was fingerprinted, photographed, placed in a holding cell and otherwise ignored and denied any explanation for such detention.
17. After being held for multiple hours in the 7<sup>th</sup> precinct, Plaintiff **ALEXANDRO S. RITONDO** was transported to Central Bookings where again, he was unlawfully fingerprinted, photographed, searched, and again placed into another holding cell.
18. Upon information and belief, at no point did Plaintiff **ALEXANDRO S. RITONDO** resist arrest or disobey the arresting officer's commands.
19. Upon information and belief, while in custody, Plaintiff **ALEXANDRO S. RITONDO** was denied food and water.
20. Upon information and belief, after well over forty-eight (48) hours, of being detained without probable cause, under inhumane and otherwise unsanitary conditions, deprived of food, water

and any reason or explanation, Plaintiff **ALEXANDRO S. RITONDO** was finally released on his own recognizance.

21. Upon information and belief, at no time was Plaintiff **ALEXANDRO S. RITONDO** read his Miranda Rights.
22. On May 25, 2013, Hon. Judge Ross dismissed and sealed all charges against Plaintiff **ALEXANDRO S. RITONDO**.

**AS AND FOR A FIRST CAUSE OF ACTION**  
**DEPRIVATION OF RIGHTS UNDER THE**  
**UNITED STATES CONSTITUTION and 42 U.S.C. § 1983**  
**BY THE CITY OF NEW YORK**

23. Plaintiff **ALEXANDRO S. RITONDO** repeats and reiterates the allegations set forth in the foregoing paragraphs with the same force and effect as though fully stated herein.
24. At all times material to this complaint, Defendant **THE CITY OF NEW YORK** acting through its police department and through Defendant **POLICE OFFICER BRIAN HICKEY** had in effect actual and/or de facto policies, practices, customs and usages which were a direct and proximate cause of the unconstitutional conduct alleged herein.
25. At all times material to this complaint, Defendant **THE CITY OF NEW YORK** acting through its police department, and through Defendant **POLICE OFFICER BRIAN HICKEY** had in effect and/or de facto policies, practices, customs and usages of failing to properly train, screen, supervise and discipline employees and police officers, and of failing to inform the individual Defendant's supervisors of the need to train, screen, supervise and discipline said Defendant. The policies, practices, customs, and usages were a direct and proximate cause of the unconstitutional conduct alleged herein.
26. Defendant **THE CITY OF NEW YORK** acting through its police department, and through

Defendant **POLICE OFFICER BRIAN HICKEY** being aware that such lack of training, screening, supervision, and discipline leads to improper conduct, acted with deliberate indifference in failing to establish a program of effective training, screening, supervision and discipline. Defendant **THE CITY OF NEW YORK** being aware that the persistent and substantial risk of improper detention of persons based upon insufficient or incorrect information, and effective training, screening, supervision and discipline would lessen the likelihood of such occurrences. There are recurrent circumstances which involve such potential danger to the constitutional rights of citizens, more specifically Plaintiff **ALEXANDRO S. RITONDO** and which are officially tolerated by Defendant **THE CITY OF NEW YORK**. Such policies, practices, customs or usages were a direct and proximate cause of the conduct alleged herein and otherwise a direct and proximate cause of the harm/damages alleged herein, in violation of Plaintiff's constitutional rights as guaranteed under 42 U.S.C. § 1983 and the United States Constitution, including its Fourth and Fourteenth Amendments.

27. As a result of the foregoing, Plaintiff **ALEXANDRO S. RITONDO** was deprived of his liberty, suffered specific psychological and emotional injuries and emotional distress, great humiliation, costs and expenses, and was otherwise damaged and injured.

**AS AND FOR A SECOND CAUSE OF ACTION**  
**DEPRIVATION OF RIGHTS UNDER THE**  
**UNITED STATES CONSTITUTION and 42 U.S.C. § 1983**  
**BY THE CITY OF NEW YORK**

28. Plaintiff **ALEXANDRO S. RITONDO** repeats and reiterates the allegations set forth in the foregoing paragraphs with the same force and effect as though fully stated herein.
29. At all times material to this complaint, Defendant **NEW YORK CITY POLICE DEPARTMENT** acting through its police department and through Defendant **POLICE OFFICER BRIAN**

**HICKEY** had in effect actual and/or de facto policies, practices, customs and usages which were a direct and proximate cause of the unconstitutional conduct alleged herein.

30. At all times material to this complaint, Defendant **NEW YORK CITY POLICE DEPARTMENT** acting through Defendant **POLICE OFFICER BRIAN HICKEY** had in effect and/or de facto policies, practices, customs and usages of failing to properly train, screen, supervise and discipline employees and police officers, and of failing to inform the individual Defendant's supervisors of the need to train, screen, supervise and discipline said Defendant. The policies, practices, customs, and usages were a direct and proximate cause of the unconstitutional conduct alleged herein.

31. Defendant **NEW YORK CITY POLICE DEPARTMENT** acting through Defendant **POLICE OFFICER BRIAN HICKEY** being aware that such lack of training, screening, supervision, and discipline leads to improper conduct, acted with deliberate indifference in failing to establish a program of effective training, screening, supervision and discipline. Defendant **NEW YORK CITY POLICE DEPARTMENT** being aware that the persistent and substantial risk of improper detention of persons based upon insufficient or incorrect information, and effective training, screening, supervision and discipline would lessen the likelihood of such occurrences. There are recurrent circumstances which involve such potential danger to the constitutional rights of citizens, more specifically Plaintiff **ALEXANDRO S. RITONDO** and which are officially tolerated by Defendant **NEW YORK CITY POLICE DEPARTMENT**. Such policies, practices, customs or usages were a direct and proximate cause of the conduct alleged herein and otherwise a direct and proximate cause of the harm/damages alleged herein, in violation of Plaintiff's constitutional rights as guaranteed under 42 U.S.C. § 1983 and the United States Constitution, including its Fourth and Fourteenth Amendments.

32. As a result of the foregoing, Plaintiff **ALEXANDRO S. RITONDO** was deprived of his liberty, suffered specific psychological and emotional injuries and emotional distress, great humiliation, costs and expenses, and was otherwise damaged and injured.

**AS AND FOR A THIRD CAUSE OF ACTION**  
**DEPRIVATION OF RIGHTS UNDER THE**  
**UNITED STATES CONSTITUTION and 42 U.S.C. § 1983**  
**BY POLICE OFFICER BRIAN HICKEY**

33. Plaintiff **ALEXANDRO S. RITONDO** repeats and reiterates the allegations set forth in the foregoing paragraphs with the same force and effect as though fully stated herein.
34. By their conduct and actions in arresting, searching, imprisoning, failing to intercede on behalf of Plaintiff **ALEXANDRO S. RITONDO** in failing, refusing and/or withholding medical attention and/or other medical needs and in failing to protect his from the unjustified and unconstitutional treatment he received at the hands of Defendant. Defendant **POLICE OFFICER BRIAN HICKEY** acting with animus, and under color of law and without lawful justification, intentionally, maliciously, and with deliberate indifference to and/or a reckless disregard for the natural and probable consequences of his acts, caused injury and damage in violation of Plaintiff's due process clause and constitutional rights as guaranteed under 42 U.S.C. § 1983 and the United States Constitution, including its Fourth and Fourteenth Amendments.
35. As a result of the foregoing, Plaintiff **ALEXANDRO S. RITONDO** was deprived of his liberty, suffered specific psychological and emotional injuries and emotional distress, great humiliation, costs and expenses, and was otherwise damaged and injured.

**AS AND FOR A FOURTH CAUSE OF ACTION**



**FALSE ARREST, FALSE IMPRISONMENT  
and/or MALICIOUS PROSECUTION**

36. Plaintiff **ALEXANDRO S. RITONDO** repeats and reiterates the allegations set forth in the foregoing paragraphs with the same force and effect as though fully stated herein.
37. By the actions described above, Defendants **THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT** and **POLICE OFFICER BRIAN HICKEY** caused Plaintiff **ALEXANDRO S. RITONDO** to be falsely arrested and falsely imprisoned and/or maliciously prosecuted without probable cause, without reasonable suspicion, illegally, without any proper claims, and without any right or authority to do so. The acts and conduct of Defendants were the direct and proximate cause of injury and damage to Plaintiff and violated his statutory and common law rights as guaranteed by the laws of the Constitution of the State of New York.
38. As a result of the foregoing, Plaintiff **ALEXANDRO S. RITONDO** was deprived of his liberty, suffered a loss of quality and/or enjoyment of life, economic injury, psychological injury and emotional distress, great humiliation, costs and expenses, and was otherwise damaged and injured.

**AS AND FOR A FIFTH CAUSE OF ACTION**  
**MALICIOUS ABUSE OF PROCESS**

39. Plaintiff **ALEXANDRO S. RITONDO** repeats and reiterates the allegations set forth in the foregoing paragraphs with the same force and effect as though fully stated herein.
40. Defendants **THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT** and **POLICE OFFICER BRIAN HICKEY** issued legal process to place Plaintiff **ALEXANDRO S. RITONDO**, under arrest and subject him to prosecution.

41. Defendants **THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT** and **POLICE OFFICER BRIAN HICKEY** arrested and participated in prosecuting Plaintiff **ALEXANDRO S. RITONDO**, in order to obtain collateral objectives outside the legitimate ends of the legal process.
42. Defendants **THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT** and **POLICE OFFICER BRIAN HICKEY** arrested and participated in prosecuting Plaintiff **ALEXANDRO S. RITONDO** in order to obtain the collateral objective of intimidating Plaintiff for their personal interest and further to prevent Plaintiff from disclosing the aforementioned evidence of NYPD misconduct and excessive force.
43. Defendants **THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT** and **POLICE OFFICER BRIAN HICKEY** acted with intent to do harm to Plaintiff **ALEXANDRO S. RITONDO** without excuse or justification.
44. As a result of the foregoing, Plaintiff **ALEXANDRO S. RITONDO** was deprived of his liberty, suffered a loss of quality and/or enjoyment of life, economic injury, psychological injury and emotional distress, great humiliation, costs and expenses, and was otherwise damaged and injured.

**AS AND FOR A SIXTH CAUSE OF ACTION**  
**DERELICTION OF DUTY, DEPRAVED INDIFFERENCE**  
**and FAILURE TO INTERCEDE**

45. Plaintiff **ALEXANDRO S. RITONDO** repeats and reiterates the allegations set forth in the foregoing paragraphs with the same force and effect as though fully stated herein.
46. Defendants **THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT** and **POLICE OFFICER BRIAN HICKEY** were under a duty of safeguarding the public and

ensuring the appropriate execution of the New York Police Department's role. Plaintiff **ALEXANDRO S. RITONDO** duly relied on Defendants' fulfillment of their policing duties.

47. Defendants **THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT** and **POLICE OFFICER BRIAN HICKEY** had an affirmative duty to intercede when Plaintiff **ALEXANDRO S. RITONDO**'s constitutional rights were being violated in Defendants' presence.

48. At the time of the incident, Defendants **THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT** and **POLICE OFFICER BRIAN HICKEY** were observing and aware of the wrongful acts against Plaintiff **ALEXANDRO S. RITONDO**.

49. At the time of the incident, Defendants **THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT** and **POLICE OFFICER BRIAN HICKEY** neglected to intervene on Plaintiff **ALEXANDRO S. RITONDO**'s behalf in dereliction of their duty to Plaintiff and in depraved indifference to Plaintiff's well-being.

50. Defendants **THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT** and **POLICE OFFICER BRIAN HICKEY** violated Plaintiff **ALEXANDRO S. RITONDO**'s constitutional rights when they failed to intercede and prevent the violation or further violation of Plaintiff's constitutional rights and the injuries or further injuries caused as a result of said failure.

51. Defendants **THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT** and **POLICE OFFICER BRIAN HICKEY** had an affirmative duty to intercede when Plaintiff **ALEXANDRO S. RITONDO**'s constitutional rights were being violated in Defendants' presence by falsifying evidence of probable cause to arrest and prosecute Plaintiff.

52. As a result of the foregoing, Plaintiff **ALEXANDRO S. RITONDO** was deprived of his liberty, suffered a loss of quality and/or enjoyment of life, economic injury, psychological injury and emotional distress, great humiliation, costs and expenses, and was otherwise damaged and injured.

**AS AND FOR A SEVENTH CAUSE OF ACTION**  
**VIOLATION OF PLAINTIFF'S RIGHTS PURSUANT TO**  
**THE COMMON LAW OF THE STATE OF NEW YORK**  
**VIA BATTERY**

53. Plaintiff **ALEXANDRO S. RITONDO**, repeats and reiterates the allegations set forth in the foregoing paragraphs with the same force and effect as though fully stated herein.
54. Defendants **THE CITY OF NEW YORK** and **NEW YORK CITY POLICE DEPARTMENT**, are vicariously liable to Plaintiff **ALEXANDRO S. RITONDO** for the individual Defendant's **POLICE OFFICER BRIAN HICKEY** common tort of battery via the principle of *respondeat superior* and that New York CPLR § 1601 does not apply pursuant to the exception provided by CPLR § 1602(1)(b).
55. Defendant **POLICE OFFICER BRIAN HICKEY** committed a battery on Plaintiff **ALEXANDRO S. RITONDO** by being handcuffed, pushed, shoved, fingerprinted and searched. The deprivation of food, water and sanitary conditions while in custody, was harmful, un-consented, and unjustified and in so doing, Defendant violated the laws and Constitution of the State of New York and otherwise violated Plaintiff's rights under New York Law.
56. That by reason of the battery, Plaintiff **ALEXANDRO S. RITONDO** was harmed physically and emotionally, all while unlawfully and illegally detained, and that Plaintiff was otherwise harmed as a result of the Defendant's actions.

57. As a result of the foregoing, Plaintiff **ALEXANDRO S. RITONDO** was deprived of his liberty, suffered a loss of quality and/or enjoyment of life, economic injury, psychological injury and emotional distress, great humiliation, costs and expenses, and was otherwise damaged and injured.

**AS AND FOR A EIGHTH CAUSE OF ACTION**  
**VIOLATION OF PLAINTIFF'S RIGHT**  
**UNDER NEW YORK STATE LAW**  
**VIA ASSAULT**

58. Plaintiff **ALEXANDRO S. RITONDO** repeats and reiterates the allegations set forth in the foregoing paragraphs with the same force and effect as though fully stated herein.
59. That on the aforementioned date, time and place, Defendant **POLICE OFFICER BRIAN HICKEY** committed the tort of assault against Plaintiff **ALEXANDRO S. RITONDO** by causing him to be in apprehension of imminent, harmful and offensive touching and in so doing, Defendant violated the laws and Constitution of the State of New York and otherwise violated Plaintiff's rights under New York Law
60. That Defendants **THE CITY OF NEW YORK** and **NEW YORK CITY POLICE DEPARTMENT** is vicariously liable to Plaintiff **ALEXANDRO S. RITONDO** for the individual Defendant's **POLICE OFFICER BRIAN HICKEY** common law tort of assault via the principle of *respondeat superior* and that New York CPLR § 1601 does not apply pursuant to the exception provided by CPLR § 1602(1)(b).
61. That by reason of the aforesaid committed by Defendants **THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT** and **POLICE OFFICER BRIAN HICKEY** Plaintiff **ALEXANDRO S. RITONDO** suffered and continues to suffer physical injury and that he was otherwise damaged.

62. As a result of the foregoing, Plaintiff **ALEXANDRO S. RITONDO** was deprived of his liberty, suffered a loss of quality and/or enjoyment of life, economic injury, psychological injury and emotional distress, great humiliation, costs and expenses, and was otherwise damaged and injured.

**AS AND FOR A NINTH CAUSE OF ACTION**  
**NEGLIGENCE**

63. Plaintiff **ALEXANDRO S. RITONDO** repeats and reiterates the allegations set forth in the foregoing paragraphs with the same force and effect as though fully stated herein.
64. Defendants **THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT** and **POLICE OFFICER BRIAN HICKEY** negligently caused injuries and otherwise damaged Plaintiff **ALEXANDRO S. RITONDO**. The acts and conduct of Defendant were the direct and proximate cause of injury to Plaintiff and violated his statutory and common law rights as guaranteed by the laws and Constitution of the State of New York.
65. As a result of the foregoing, Plaintiff **ALEXANDRO S. RITONDO** was deprived of his liberty, suffered specific psychological and emotional injuries and emotional distress, great humiliation, costs and expenses, and was otherwise damaged and injured.

**AS AND FOR A TENTH CAUSE OF ACTION**  
**VIOLATION OF SUBSTANTIVE DUE PROCESS**

66. Plaintiff **ALEXANDRO S. RITONDO** repeats and reiterates the allegations set forth in the foregoing paragraphs with the same force and effect as thought fully stated herein.
67. Defendants **THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT** and **POLICE OFFICER BRIAN HICKEY** individually and collectively are liable pursuant to 42

U.S.C. § 1983 for abuses against Plaintiff **ALEXANDRO S. RITONDO** that shock the conscience in violation of the Fourteenth Amendment to the United States Constitution.

68. Defendants **THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT** and **POLICE OFFICER BRIAN HICKEY** individually and collectively are liable for abuses against Plaintiff **ALEXANDRO S. RITONDO** that shock the conscience in violation of Article 1, § 5 of the New York State Constitution.

69. Defendants **THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT** and **POLICE OFFICER BRIAN HICKEY** individually and collectively are liable for abuses against Plaintiff **ALEXANDRO S. RITONDO** that shock the conscience in violation of New York law, rules and regulations.

70. As a result of the foregoing, Plaintiff **ALEXANDRO S. RITONDO**, was deprived of his liberty, suffered loss of quality and/or enjoyment of life, physical injury, economic injury, psychological injury and emotional distress, great humiliation, costs and expenses, and was otherwise damaged.

**AS AND FOR A ELEVENTH CAUSE OF ACTION**  
**NEGLIGENT HIRING, SCREENING, RETENTION,**  
**SUPERVISION AND TRAINING**

71. Plaintiff **ALEXANDRO S. RITONDO** repeats and reiterates the allegations set forth in the foregoing paragraphs with the same force and effect as thought fully stated herein.

72. At all times herein mentioned, Defendants **THE CITY OF NEW YORK** and **NEW YORK CITY POLICE DEPARTMENT** owed Plaintiff **ALEXANDRO S. RITONDO** a duty to manage, control, and supervise Defendant **POLICE OFFICER BRIAN HICKEY**.

73. Defendants **THE CITY OF NEW YORK** and **NEW YORK CITY POLICE DEPARTMENT** negligently hired, screened, retained, disciplined, supervised and trained Defendant **POLICE OFFICER BRIAN HICKEY**.
74. At all times herein mentioned, Defendants **THE CITY OF NEW YORK** and **NEW YORK CITY POLICE DEPARTMENT** owed Plaintiff **ALEXANDRO S. RITONDO** a duty to hire qualified and sufficient personnel in connection with the operation, management control, teaching at and/or supervision of Defendant **POLICE OFFICER BRIAN HICKEY**.
75. At all times herein mentioned, Defendants **THE CITY OF NEW YORK** and **NEW YORK CITY POLICE DEPARTMENT** owed Plaintiff **ALEXANDRO S. RITONDO** a duty to train their employees so as to enable them to properly maintain order and control.
76. At all times herein mentioned, Defendants **THE CITY OF NEW YORK** and **NEW YORK CITY POLICE DEPARTMENT** owed Plaintiff **ALEXANDRO S. RITONDO** a duty to promulgate proper and/or adequate rules and regulations governing the proper care, guidance and/or supervision to be provided and rendered by those agents, servants, officers and/or employees hired as New York City Police Officers.
77. At all times herein mentioned, Defendants **THE CITY OF NEW YORK** and **NEW YORK CITY POLICE DEPARTMENT** owed Plaintiff **ALEXANDRO S. RITONDO** a duty to provide a safe and proper environment.
78. At all times herein mentioned, Defendants **THE CITY OF NEW YORK** and **NEW YORK CITY POLICE DEPARTMENT** owed Plaintiff **ALEXANDRO S. RITONDO** a duty to prevent from being assaulted and battered while in their custody and control.
79. At all times relevant hereto, Defendants **THE CITY OF NEW YORK** and **NEW YORK CITY POLICE DEPARTMENT** and/or said Defendants' agents, servants, employees and/or



licensees were, jointly, severally and concurrently, negligent, careless and reckless in individually and collectively breaching each and every duty owed to Plaintiff **ALEXANDRO S. RITONDO**.

80. The aforesaid occurrence was caused wholly and solely by reason of the negligence of Defendants **THE CITY OF NEW YORK** and **NEW YORK CITY POLICE DEPARTMENT** and/or said Defendants' agents, servants, employees and/or licensees, without any fault or negligence on the part of Plaintiff **ALEXANDRO S. RITONDO** contributing thereto.
81. Defendant **THE CITY OF NEW YORK** acting through Defendant **NEW YORK CITY POLICE DEPARTMENT** and through Defendant **POLICE OFFICER BRIAN HICKEY** had *defacto* to policies, practices, customs and usage, which were a direct and proximate cause of the unconstitutional conduct alleged herein.
82. As a result of the foregoing, Plaintiff **ALEXANDRO S. RITONDO** was deprived of his liberty, suffered loss of quality and/or enjoyment of life, physical injury, economic injury, psychological injury and emotional distress, great humiliation, costs and expenses, and was otherwise damaged.

**AS AND FOR A TWELFTH CAUSE OF ACTION**  
**NEGLIGENT INFLICTION OF EMOTIONAL HARM**

83. Plaintiff **ALEXANDRO S. RITONDO** repeats and reiterates the allegations set forth in the foregoing paragraphs with the same force and effect as thought fully stated herein.
84. Defendants **THE CITY OF NEW YORK**, **NEW YORK CITY POLICE DEPARTMENT** and **POLICE OFFICER BRIAN HICKEY** negligently caused emotional distress and damage to Plaintiff **ALEXANDRO S. RITONDO**. The acts and conduct of Defendants were the direct and proximate cause of emotional injury to Plaintiff and violated his statutory and common law

rights as guaranteed by the laws in the U.S. Constitution, the Constitution of the State of New York, and under the Charter, laws, rules and regulations of the City of New York.

85. As a result of the foregoing, Plaintiff **ALEXANDRO S. RITONDO** was deprived of his liberty, suffered loss of quality and/or enjoyment of life, physical injury, economic injury, psychological injury and emotional distress, great humiliation, costs and expenses, and was otherwise damaged.

**AS AND FOR A THIRTEENTH CAUSE OF ACTION**  
**INTENTIONAL INFLICTION OF EMOTIONAL HARM**

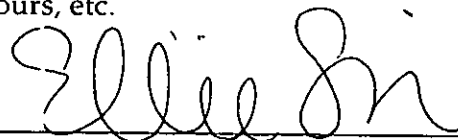
86. Plaintiff **ALEXANDRO S. RITONDO** repeats and reiterates the allegations set forth in the foregoing paragraphs with the same force and effect as thought fully stated herein.
87. Defendants **THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT** and **POLICE OFFICER BRIAN HICKEY** knowingly, unreasonably and maliciously sought to disturb Plaintiff **ALEXANDRO S. RITONDO** by their individual and collective outrageous conduct.
88. This conduct includes, without being limited to, assaulting and battering Plaintiff **ALEXANDRO S. RITONDO** while he was bound by handcuffs in their custody; unreasonably detaining him; depriving him of food, water and proper medical care and subjecting him to multiple unreasonable searches and other intimidation tactics and violated his statutory and common law rights as guaranteed by the laws in the U.S. Constitution, the Constitution of the State of New York, and under the Charter, laws, rules and regulations of the City of New York.
89. Defendants **THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT** and **POLICE OFFICER BRIAN HICKEY** have caused Plaintiff **ALEXANDRO S. RITONDO** humiliation, anxiety, fear, sleeplessness and sever distress.

90. As a result of the foregoing, Plaintiff **ALEXANDRO S. RITONDO** was deprived of his liberty, suffered loss of quality and/or enjoyment of life, physical injury, economic injury, psychological injury and emotional distress, great humiliation, costs and expenses, and was otherwise damaged.

**WHEREFORE**, Plaintiff **ALEXANDRO S. RITONDO** demands judgment against Defendants herein, in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

Dated: New York, New York  
February 19, 2014

Yours, etc.



Ellie A. Silverman, Esq.  
**NOVO LAW FIRM, PC**  
*Attorneys for Plaintiff*  
**ALEXANDRO S. RITONDO**  
299 Broadway, 17th Floor  
New York, New York 10007  
212-233-6686  
Our File No. 13-2821

**ATTORNEY'S VERIFICATION**

ELLIE A. SILVERMAN, an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury:

I am an attorney at **NOVO LAW FIRM, PC**, attorneys of record for Plaintiff **ALEXANDRO S. RITONDO**. I have read the annexed **VERIFIED COMPLAINT** and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

This verification is made by me because Plaintiff is not presently in the county wherein I maintain my offices.

Dated: New York, New York  
February 19, 2014



---

Ellie A. Silverman, Esq.

Index No.: \_\_\_\_\_/2014

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

---

ALEXANDRO S. RITONDO,

*Plaintiff,*

-against-

THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT and POLICE OFFICER  
BRIAN HICKEY, Tax ID No.: 950586, individual and in his official capacity as a New York City  
Police Officer,

*Defendants.*

---

**SUMMONS AND VERIFIED COMPLAINT**

---

**NOVO LAW FIRM, P.C.**

*Attorneys for Plaintiff*

**ALEXANDRO S. RITONDO**

299 Broadway, 17<sup>th</sup> Floor

New York, New York 10007

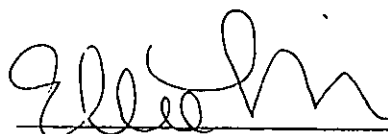
(212) 233-6686

Fax (212) 233-6687

---

*Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.*

*Dated: February 19, 2014*

  
\_\_\_\_\_  
*Ellie A. Silverman, Esq.*

---

TO:

THE CITY OF NEW YORK, Municipal Building · New York, New York 10007

NEW YORK CITY POLICE DEPARTMENT, 100 Church Street, New York, New York 10007

POLICE OFFICER BRIAN HICKEY, Tax ID No.: 950586, 19 ½ Pitt Street, New York, New York 10038